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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,883	02/26/2002	Glenn A. Eaton JR.	EAT 301	7489

7590 04/05/2004

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520 S.W. Yamhill Street
Portland, OR 97204

EXAMINER

NEILS, PEGGY A

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,883

Applicant(s)

EATON, GLENN A.

Examiner

Peggy A. Neils

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12,14 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-4,6-8,16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Arguments

Applicant's arguments filed January 23, 2004 have been fully considered but they are not persuasive. Applicant's arguments will be addressed below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 8, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated

by Simes for the reasons set forth in the last Office action.

Claim 1 has been amended to state that the base of the light fixture is spaced apart from the light bulb. Applicant states that the extender of Simes attaches directly to the bulb. However, the language chosen to amend Claim 1 does not define the distinction between the prior art and invention. As shown in Figure 2 of Simes, the light 10 has tubes 42, an outer base structure 24, a beveled portion 74 and a threaded portion 26. The base of the light fixture is base 24 and as shown it is "spaced" from the light bulb. Applicant's invention shows a separate and distinct base structure independent of the bulb. This language is not in the claims. Claim 16 has been amended to state that the extender attaches to the base of the light fixture without engaging the light bulb. Simes shows the extending attaching to the base of the light fixture without engaging the bulb. This amended language is too broad to define over Simes. Applicant states that the prongs of Simes contact the light bulb. The language in the specification only states

that the prongs engage the base, they never directly contact the bulb. Applicant states that the dependent claims should be allowed by virtue of the allowability of the independent claims. As stated above, neither Claim 1 nor 16 is considered to define over Simes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simes for the reasons set forth in the last Office action.

Applicant argues allowability of Claim 3 by its dependency on Claim 1. As stated in the last Office action, Simes attaches the extender to the base by virtue of prongs 20 and 22. Applicant uses a lip and screws. In the absence of any unobvious or expected result the choice of one or the other for attaching the extender to the base is a design choice.

Claims 6, 7, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simes in view of Chiang for the reasons set forth in the last Office action.

Claim 20 has been amended to state that the extender is independent of and not in contact with the light bulb. Simes shows the extender independent of and not in contact with the bulb. As stated previously, the extender contacts the base 24, which is part of

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the light bulb structure and also functions as the base of the light fixture but does not contact the light bulb itself. The amended claim does not define over Simes. Applicant also argues that Chiang does not show vents in an extender. Chiang is applied as a secondary reference teaching that it is well known in the illumination art to provide vents in a light fixture for the purpose of cooling the light bulb. Any ornamental appearance of the vents is not given patentable weight in a utility application.

Allowable Subject Matter

Claims 9-12, 14 and 15 are allowed.

The following is an examiner's statement of reasons for allowance: Claim 9 and those claims which depend from Claim 9 are allowable over the prior art because Claim 9 has been amended to recite that the socket and bulb are independent of the rim of the base. This limitation was not shown or suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

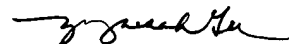
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any questions regarding this Office action should be directed to Examiner Neils at (571) 272-2377.



**Y. MY QUACH-LEE
PRIMARY EXAMINER**